

Effective 5/13/2014

20A-7-609.5 Election on referendum challenging local tax law conducted entirely by absentee ballot.

- (1) An election officer may administer an election on a referendum challenging a local tax law entirely by absentee ballot.
- (2) For purposes of an election conducted under this section, the election officer shall:
 - (a) designate as the election day the day that is 30 days after the day on which the election officer complies with Subsection (2)(b); and
 - (b) within 30 days after the day on which the referendum described in Subsection (1) qualifies for the ballot, mail to each registered voter within the voting precincts to which the local tax law applies:
 - (i) an absentee ballot;
 - (ii) a statement that there will be no polling place in the voting precinct for the election;
 - (iii) a statement specifying the election day described in Subsection (2)(a);
 - (iv) a business reply mail envelope;
 - (v) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted; and
 - (vi) a warning, on a separate page of colored paper in boldface print, indicating that if the voter fails to follow the instructions included with the absentee ballot, the voter will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.
- (3) A voter who votes by absentee ballot under this section is not required to apply for an absentee ballot as required by this part.
- (4) An election officer who administers an election under this section shall:
 - (a)
 - (i) obtain, in person, the signatures of each voter within that voting precinct before the election;
 - or
 - (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
 - (b) maintain the signatures on file in the election officer's office.
- (5)
 - (a) Upon receiving the returned absentee ballots under this section, the election officer shall compare the signature on each absentee ballot with the voter's signature that is maintained on file and verify that the signatures are the same.
 - (b) If the election officer questions the authenticity of the signature on the absentee ballot, the election officer shall immediately contact the voter to verify the signature.
 - (c) If the election officer determines that the signature on the absentee ballot does not match the voter's signature that is maintained on file, the election officer shall:
 - (i) unless the absentee ballot application deadline described in Section 20A-3-304 has passed, immediately send another absentee ballot and other voting materials as required by this section to the voter; and
 - (ii) disqualify the initial absentee ballot.

Enacted by Chapter 396, 2014 General Session